

DNREC NEWS

The Delaware Department of Natural Resources and Environmental Control

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January 9, 2004



Ruth Ann Minner
Governor

John A. Hughes
Secretary

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Shoreline Protection Agreement Reached

Federal/State Rehoboth-Dewey Beach Project Will Reduce Storm Damage and Sustain Beach Tourism

Governor Ruth Ann Minner joined federal and state officials Dec. 19 on the boardwalk in Rehoboth Beach for a signing ceremony that sets the stage for a 50-year shore protection plan that will improve 2.6 miles of Atlantic coast shoreline in Delaware stretching from the northern end of Rehoboth Beach to the southern border of Dewey Beach.

With total expenditures estimated to be about \$170 million, this historic project will initially add approximately 1.4 million cubic yards of sand to widen the beaches. At Rehoboth Beach, the plan is to provide a 125-foot wide beach backed by a dune. At Dewey Beach, the project transitions to a 150-foot wide beach backed by a dune. The design includes timeline for construction and modifications of dune grass, dune fencing, vehicle access ramps and dune walkovers and calls for periodic nourishment using approximately 277,000 cubic yards of sand every three years.



Maria Taylor

Governor Ruth Ann Minner is joined by Lt. Colonel Thomas C. Chapman, U.S. Army Corps of Engineers, Delaware Attorney General M. Jane Brady and DNREC Secretary John A. Hughes at the signing ceremony at Rehoboth Beach boardwalk.

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Calendar

For information or registration for park events, please contact individual park offices. A listing follows the calendar.

JANUARY

7, 21 – Brandywine Creek State Park program, *Fireside Storytime with a Park Ranger*, 4:30 p.m.
Cost is \$1 per person.

8, 22 – Brandywine Creek State Park program, *Hound Hike*, 5 p.m. Pre-registration required.
Cost is \$2 per pup.

10 – White Clay Creek State Park program, *White-tailed Deer*, 4 p.m., at the Nature Center. Cost is \$2 per person. Pre-registration required.

13 – CANCELLED: Environmental Appeals Board hearing, Sierra Club appeal of permit issued by DNREC to Parks and Recreation for the Assawoman Canal dredging, 9:30, DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, (302) 739-6400.

13 - Public workshop on proposed revisions to septic regulations, 6-9 p.m., Theatre, Delaware Technical and Community College Owens Campus, Georgetown. Contact Rodney Wyatt, Ground Water Discharges, (302) 739-4762.

14 – Pollution Prevention Roundtable Quarterly meeting, 10 a.m., Smyrna Rest Stop Conference Room, Route 13, north of Smyrna. Contact Kevin Yingling, Planning and Compliance Assistance, (302) 739-6400.

15 – Brandywine Creek State Park program, *Nestlings Walking Series*, 9:30 a.m., for children ages 6 weeks to 18 months and their caregiver. Cost is \$2 per program.

15 – Brownfields Redesign Implementation Workshop, 9 a.m.-3 p.m., Buena Vista State Conference Center. Contact Marjorie Crofts, Air and Waste Management, (302) 739-4764.

16 – Brandywine Creek State Park program, *Terrific Toddlers: Sifting Through Sand*, 9:30-10:15 a.m. For children ages 2-3 years old. Cost is \$4 per child. Pre-registration encouraged.

17 – Brandywine Creek State Park program, *Nature Explorer Club: Summer...in January?*, 10:20 a.m. For children ages 4-6 years old. Cost is \$4 per person.

18 – Brandywine Creek State Park program, *Hot Chocolate Hike*, 1 p.m. Cost is \$2 per person.

18 – White Clay Creek State Park program, *Chamber House Tour*, 1 p.m., at the Nature Center. Cost is \$2 per person. Pre-registration required.

21 – Brandywine Creek State Park program, *Fireside Storytime with a Park Ranger*, 4:30 p.m.
Cost is \$1 per person. Pre-registration suggested.

21 – Recycling Public Advisory Council meeting, 1-4 p.m., Smyrna Rest Area, Route 13, north of Smyrna. Contact Janet Manchester, Solid and Hazardous Waste Management, (302) 739-3689.

22 – Brandywine Creek State Park program, *Hound Hike*, 5 p.m. Cost is \$2 per pup.

26 – New E&S handbook/ Green Technology workshop, 8:30-3 p.m. at the Modern Maturity Center, Dover. Cost is \$75 per person. Contact Jeanne Feurer, (302) 739-4411.

27 – Environmental Appeals Board hearing, appeal of Broadkill River Association
of a permit denial to construct a boat ramp, floating dock and dredge 300 cubic yards of material in

and adjacent to Deep Hole Creek on South Bayshore Drive in Broadkill River, 9:30 a.m., DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover. Contact Gail Donovan, 739-6400.

31 – White Clay Creek State Park program, *Animal Tracks & Signs*, 1 p.m.

FEBRUARY

1 – Brandywine Creek State Park program, *Ground Hog Sightings*, 1 p.m. Cost is \$2 per person.

2 – National Wild Turkey Federation’s Northern Delaware Chapter Open House, 6:30 p.m., Division of Fish and Wildlife’s Ommenlanden Range, located off Route 9 south of New Castle. Contact Barbara Woodford, Brandywine Creek State Park, (302) 655-5740.

2 – Workshop on proposed revisions to the state’s septic system regulations, 6-9 p.m., DNREC auditorium, Richardson and Robbins Building, Dover. Contact Rodney Wyatt, (302) 739-4762.

4 – Brandywine Creek State Park program, *Fireside Storytime with a Park Ranger*, 4:30 p.m. Cost is \$1 per person. Pre-registration suggested.

Park Offices:

Brandywine Creek State Park, (302) 577-3534; Nature Center, (302) 655-5740

White Clay Creek State Park, (302) 368-6900; Nature Center, (302) 368-6560

Bellevue State Park, (302) 577-3390; Arts Center, (302) 577-6540

Trap Pond State Park, (302) 875-5153; Nature Center, (302) 875-5163

Lums Pond State Park, (302) 368-6989; Nature Center, (302) 836-1724

Fort Delaware State Park, (302) 834-7941

Killens Pond State Park, (302) 284-4526

Cape Henlopen State Park, (302) 645-8983; Nature Center, (302) 645-6852

Shoreline Protection continued from page 1

The document signed Dec. 19 is the Project Cooperation Agreement (PCA) between the U.S. Army Corps of Engineers and the Delaware Department of Natural Resources and Environmental Control. Thomas C. Chapman, Lt. Colonel, Philadelphia District Corps of Engineers, and John A. Hughes, Secretary, Delaware Department of Natural Resources and Environmental Control, signed the agreement. Delaware Attorney General M. Jane Brady signed the agreement as the official state witness, certifying DNREC’s authority to enter into the Project Cooperation Agreement.

Governor Minner praised the work of all those involved, stating that “Delaware’s beaches are a natural treasure, and are also important to the state’s thriving tourism industry. Our beaches are not able to replenish themselves each year. They need our help, just as we need help in replenishing our human systems. This project will protect and sustain our beaches as both a natural and an economic resource.”

Although Senator Biden, Senator Carper and Representative Castle were unable to participate in the event, they were recognized for their support and success in securing the federal funding for this project.

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With November's federal funding appropriations and the Project Cooperation Agreement, this project that has been in feasibility and design stages for more than a decade, can finally begin. The next steps are to obtain the necessary easements, negotiate a contract with a dredging company and then to move forward with the beach fill operation

"Partnership and teamwork makes the Corps of Engineers the premier public engineering organization that it is, and I am confident that the Philadelphia District, in partnership with the Delaware Department of Natural Resources and Environmental Control, will achieve the project's goals of protecting Rehoboth Beach and Dewey Beach for future generations," said Lt. Col. Chapman.

Secretary Hughes pointed out that the Beach Replenishment Task Force commissioned a study in 1998. The task force report showed that without beach replenishment, tourism related revenues would decrease by more than \$30.2 million in five years. The result would be the loss of 625 beach area jobs, reduction of wages and salaries by \$1.6 million and state and local revenues by \$2.3 million.

Hughes stated, "I have been working for many years to make this project a reality. Our studies prove that investing in beach nourishment pays off for the state. I am thrilled that we can finally dig in, begin to pump sand and increase recreational space and protective barriers for these coastal Sussex communities."

Beginning as a Senate Committee Resolution in 1988, the Rehoboth Beach and Dewey Beach Protection Project was authorized in 1996 and further modified in 2000. The purpose of the project is to provide hurricane and storm damage reduction and shoreline protection for the Rehoboth and Dewey Beaches. The plan consists of one continuous beach with a dune from the northern end of Rehoboth Beach to the southern border of Dewey Beach. It is expected that 7,000,000 cubic yards of sand will be required over the 50-year project life to maintain the design.

The feasibility study was initiated in June 1992 and completed in June 1996 with the issuance of the Final Feasibility Report and Environmental Impact Statement. Plans and specifications for the project were begun in 1998. Estimated initial project cost is \$15.9 million, with a potential start date of fall 2004.

The funding project over its 50-year life span is done on a cost share basis between the Corps and the State. Congress established the cost share to be 65 percent federal and 35 percent non-federal. The significant contributions to the national economy that come from beach-based recreational tourism as well as the reductions to storm damage losses from coastal storms hitting a badly eroded beach are the driving forces behind this cost sharing arrangement.

For further information, contact Tony Pratt, Division of Soil and Water Conservation (302) 739-4411 or Maria Taylor, Public Affairs Office (302) 739-4506 or (302) 632-1078.

Delaware's 2003 Coastal Cleanup Results Talled

Delaware's coastline is cleaner and its wildlife safer thanks to the 1,135 volunteers who participated in the state's 2003 Coastal Cleanup. Final results from the Sept. 27 cleanup show that volunteers picked up 17,564 pounds of trash and stuffed it into 794 trash bags.

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A wedding dress found at Port Mahon tops the list of strange finds; others include a mailbox, eyeglasses, fire extinguisher, file cabinet, kite, lawnmower and two music stands.

More than 2,382 hours of volunteer time were devoted to clean and protect Delaware's coastline and wildlife.

The data collected by the volunteers at the 35 sites

from the Fox Point State Park to Fenwick Island provide a snapshot of Delaware's 97 miles of coastline and will be used to reduce and eliminate trash and debris pollution.

Delaware participates in the International Coastal Cleanup sponsored by The Ocean Conservancy that supplied the trash bags, data cards and more. Pre-registrations for the 2003 cleanup indicated a record number of volunteers would turn out but high tides and Hurricane Isabel delayed the original cleanup date and reduced volunteer numbers.



Laura Blacksten

The Westville 4-H Club cleaned up the Norman G. Wilder wildlife area.

Delaware's 2003 Results:

1,135 Volunteers

17,564 Pounds of Trash

14,072 Cigarettes/Cigarette Filters

Delaware's 2002 Results

1,611 Volunteers

22,049 Pounds of Trash

32,475 Cigarettes/Cigarette Filters

This year, DNREC staff pitched in with the recruitment of volunteers, organization of the event and distribution of supplies. Corporate sponsors promoted the cleanup and contributed staff time and supplies. Conectiv, the primary corporate sponsor, donated the t-shirts. Playtex of Dover continued its support by donating gloves to protect the volunteers.

The Ocean Conservancy is a non-profit organization that has been working since 1972 to ensure that the world's oceans provide a healthy environment for an abundant and diverse population of marine animals. The International Coastal Cleanup is the Conservancy's flagship program dealing with marine debris. It is the oldest and largest one-day volunteer effort on behalf of the marine environment of its kind. Hundreds of thousands of people from all over the world help each year to rid the environment of marine debris.

For more information on The Ocean Conservancy or the International Coastal Cleanup, visit the Conservancy's web site: www.oceanconservancy.org. For more information on Delaware's Coastal Cleanup, contact Jason Gleockler, Public Affairs Office, (302) 739-4506.

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Public Workshop on Septic Regulations Set for Jan. 13 at Del Tech in Georgetown

The Department of Natural Resources and Environmental Control will hold the second of three workshops on proposed revisions to the state's septic system regulations (Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal Systems) from 6 to 9 p.m. Tuesday, Jan. 13 in the Theatre of Delaware Technical and Community College Owens Campus in Georgetown, Del.

The third workshop will be held 6 to 9 p.m. Monday, Feb. 2 in DNREC's auditorium at the Richardson and Robbins Building in Dover, Del.

Proposed changes to the regulations include: creation of a Class H System Inspector License for persons to inspect septic systems and other on-site wastewater systems, a revamped procedural process for subdivision feasibility studies and determination of the system size required (a large system versus individual onsite-systems), updating and/or correcting of some of the exhibits, deletion of redundant sections and overall cleanup.

The regulatory revision process will also include development of the protocol for inspectors to approve or disapprove systems.

Information regarding additional changes to the regulations is updated after each workshop and related meetings.

For questions about the public workshops, contact Dave Schepens or Jack Hayes, Ground Water Discharges Section, 89 Kings Highway, Dover, DE 19901; telephone, (302) 739-4762; or email, dave.schepens@state.de.us or john.hayes@state.de.us.

Jan. 13 Environmental Appeals Board Hearing on Assawoman Canal Dredging Postponed

The Environmental Appeals Board hearing scheduled for next Tuesday, Jan. 13 on an appeal filed by the Sierra Club of the permits issued by the Department of Natural Resources and Environmental Control for the Assawoman Canal dredging has been postponed.

Both DNREC and the Sierra Club agreed to again postpone the hearing to allow time for review of the pending federal permit for the dredging.

The hearing will be rescheduled and the new date will be announced when it is set.

For more information, contact William Moyer, Wetlands and Subaqueous Lands Section, (302) 739-4691 or Melinda Carl, Public Affairs Office, (302) 739-4506.

Recycling Public Advisory Council to Meet Jan. 21

The Recycling Public Advisory Council will meet Wednesday, Jan. 21 from 1 to 4 p.m. at the Smyrna Rest Area on Route 13 north of Smyrna.

The council is meeting to continue its discussion of a recommended strategy for increasing the diversion of recyclables from Delaware's residential solid waste stream.

The Recycling Public Advisory Council was created by Executive Order No. 82 in September 2000 and charged with advising DNREC and the Delaware Solid Waste Authority (DSWA) on all aspects of recycling, including development of grant criteria and selection of applications; a method-

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ology for measuring recycling rates; and possible outreach activities designed to achieve greater recycling rates.

Members of the council are: Paul Wilkinson, Delaware Environmental Alliance for Senior Involvement (DeEASI); Patricia Todd, League of Women Voters; Pasquale Canzano, Chief Operating Officer, DSWA; Richard Cecil, Delaware Association of Counties; John Blevins, Director, DNREC, Division of Air and Waste Management; Donald Mulrine, Mayor, City of Newport; Robert Propes, Delaware Economic Development Office; Paul Bickhart, Recycling Express of Delaware, and Steve Masterson, Waste Management of Delaware.

For further information, or directions to the meeting, contact Janet Manchester at (302) 739-3689.

Public Hearing on Revision to National Ambient Air Quality Standards Set for Jan. 28 in Dover

DNREC's Air Quality Management Section will conduct a public hearing Jan. 28 on a proposed revision to the State Implementation Plan "Phase II Attainment Demonstration" for the 1-hour National Ambient Air Quality Standards for ground level ozone. The hearing will be held at 6 p.m. in the Priscilla Building Conference Room, 156 S. State St., Dover.

The purpose of the hearing is to obtain public comments on the proposed amendment, which consists of rescheduling Delaware's Mid-Course Review date to Dec. 31, 2004.

The Mid-Course Review is required by the U.S. Environmental Protection Agency as a condition of approval of the Phase II Attainment Demonstration State Implementation Plan for each state in the Philadelphia-Wilmington-Trenton non-attainment area.

The Clean Air Act Amendments of 1990 require Delaware to submit an implementation plan revision to demonstrate its capability of attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005.

The public is welcome to attend and make comments orally or in writing. Individuals interested in presenting statements should register in advance by mail by sending them to: Air Quality Management Section, 156 S. State St., Dover, DE 19901.

The proposed amendments may be inspected at the Department's offices located at 156 S. State St., Dover and 715 Grantham Lane, New Castle, and 422 N. DuPont Highway, Suite 1, Georgetown.

For more information or an appointment to inspect the amendments, contact Ronald Amirikian, in the Dover Office, (302) 739-4791.

DNREC Issues Notice of \$65,000 Penalty to Conectiv for Air Permit Violations

Department of Natural Resources and Environmental Control Acting Secretary Kevin Donnelly issued a Notice of Administrative Order with a \$65,000 penalty Dec. 31 to Conectiv Delmarva Generation Inc., Wilmington for violating conditions of its permit. The Order includes a cash penalty of \$1,310.55 as cost recovery reimbursement to the Department for expenses associated

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with its investigation.

Conectiv operates an electrical generation facility at its Conectiv Hay Road Power Complex, 198 Hay Road, Wilmington.

On July 2, 2002, the Department issued a Notice of Violation to Conectiv detailing the company's failure to conduct compliance testing for Hay Road Units 5, 6, and 7 in a timely manner. The company subsequently completed the testing in August 2002.

On Sept. 12, 2002, the Department issued the company a Notice of Violation for failing to operate Units 5, 6, and 7 within permitted limits. During the weeks of Aug. 13 through Aug. 27, 2002, Conectiv contacted the Department four times to report nitrogen oxide exceedances that occurred on Aug. 12, 13, 14 and 27 of 2002 at Hay Road Units 5, 6, and 7.

The exceedances were caused by a failure of the ammonia injection system while the generating units were in combined cycle – an operating mode that recaptures lost heat to produce additional electricity. The failure triggered a malfunction of the selective catalytic reduction system used to control emissions of nitrogen oxides.

On Sept. 23, 2002, the Department issued Conectiv another Notice of Violation for failing to submit timely Semi-Annual Monitoring Reports.

Conectiv was assessed the penalty for violating conditions of its permit by releasing excess levels of nitrogen oxides, failure to submit timely semi-annual monitoring reports and failure to conduct stack emission testing in a timely manner.

Conectiv has 30 days to request a public hearing.

For further information, contact Robert Taggart, Air Quality Management, (302) 323-4542 or Melinda Carl, Public Affairs Office, (302) 739-4506

DNREC Issues Notice of \$11,374 Penalty to Power Systems Composites of Newark for Air Pollution Violations

Department of Natural Resources and Environmental Control Secretary John A. Hughes has issued a Notice of Administrative Penalty Assessment and Secretary's Order to Power Systems Composites LLC for violations of Delaware's regulations governing the control of air pollution. The Order includes a cash penalty of \$11,374 and an additional \$970.43 as cost recovery reimbursement to the Department for expenses associated with its investigation.

Power Systems Composites owns and operates a composites research, development, and manufacturing facility at 400 Bellevue Road in the Diamond State Industrial Park in Newark, Del., where the violations took place.

During a DNREC inspection of the facility in June 2003, it was noted that two scrubbers had been installed and operated in the exhaust lines between two reactors and the downstream vapor combustor emissions control device. According to company representatives, these scrubbers had been installed approximately a year and a half earlier to decrease the level of hydrochloric acid in the gases going to the combustor so as to protect the combustor and downstream lines from acid damage. No permit was obtained to install these scrubbers.

Installation and operation of these scrubbers was a violation of Delaware's preconstruction review program which requires that any company installing or operating equipment which emits or prevents the emission of an air contaminant obtain approval of the Department prior to construction and operation of that equipment. These scrubbers prevent the emission of an air contami-

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nant, specifically hydrochloric acid, and approval of the Department via the issuance of a permit was not obtained prior to construction and operation.

Power Systems Composites has 30 days to request a public hearing.

For further information, contact Paul Foster, Division of Air and Waste Management, (302) 323-4542 or Melinda Carl, Public Affairs Office, (302) 739-4506.

Hearing Officer's Report on Corps Main Channel Deepening Available for Review

The Hearing Officer's Report concerning the U.S. Army Corps of Engineers permit applications to deepen the Delaware River navigation channel has been filed with the Department of Natural Resources and Environmental Control and is under review.

The report is available for public review at the Department's main office at 89 Kings Highway in Dover and can be accessed on the Department's web site at: <http://www.dnrec.state.de.us/dnrec2000>. Scroll down the right hand column to "Hot Topics" and click on "Hearing Office's Report on the Main Channel Deepening Project proposed by the Army Corps of Engineers."

The Corps is proposing to deepen the main river channel from 40 to 45 feet. The applications and other documents related to the proceeding can be accessed via the Department's web site at <http://www.dnrec.state.de.us/dnrec2000/WaterResources.asp> or directly on the Corps' web site at: <http://www.nap.usace.army.mil/cenap-pl/deldocs.htm>

For information on accessing or reviewing the report, contact the Wetlands Section, Division of Water Resources, (302) 739-4691.

National Wild Turkey Federation's Northern Delaware Chapter to Hold Open House

Adults interested in joining the Northern Delaware Chapter of the National Wild Turkey Federation are invited to attend a Volunteer Open House scheduled for 6:30 p.m. Feb. 2 at the Division of Fish and Wildlife's Ommelanden Shooting Range, located off Route 9 south of New Castle.

Members of the Northern Delaware Chapter and the Delaware State Chapter will be on hand to talk about how the chapter supports the reintroduction of the wild turkey in northern Delaware, volunteer projects such as the annual JAKES event, habitat restoration, turkey lore and education, education outreach programs for local special events, and the sport clay shooting sponsorship at the National Hunting and Fishing Day event held at Ommelanden in September.

The Northern Chapter meets at Ommelanden at 6:30 p.m. the first Monday of each month. A light dinner is served. For more information contact President Tim Foltz at (302) 328-8748.

The National Wild Turkey Federation is a half million member grassroots, nonprofit organization with members in 50 states, Canada and 11 other foreign countries. It supports scientific wildlife management on public, private and corporate lands as well as wild turkey hunting as a traditional North American sport.

Thanks to the work of federal, state and provincial wildlife agencies and the NWTF's many volunteers and partners, there are now over six million wild turkeys and approximately 2.6 million turkey hunters. Turkey hunting has become the second highest participated type of hunting and is the

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fastest growing form of hunting.

Since 1985, more than \$175 million NWTF and cooperator dollars have been spent on over 24,000 projects benefiting wild turkeys and other game and non game species throughout North America. Hunters have also benefited as the NWTF has worked tirelessly to support our hunting heritage and protect and promote laws that increase hunting opportunity and safety.

For more information on the National Wild Turkey Federation, call 1-800-THE-NWTF.

Regulatory Update

Recently Adopted Regulations and Regulations Under Appeal

2003-13: New regulation to establish date for the first and subsequent lotteries for available commercial gill net permits and authorization for commercial hook and line permits, and commercial crab dredge, conch pot and conch dredge licenses. The date for the first lottery is Jan. 2, 2004 with subsequent lotteries held the first working day in January. Participants include those in the apprentice program who have completed the required and properly documented 150 days of commercial fishing activities over no less than a 2-year period from the apprentice sign-up date. Contact Roy Miller, 739-3441. **Effective date - Jan. 2, 2004.**

2002-17: Amendment to Regulation 38, Emissions Standards for Hazardous Air Pollutants for Source Categories. This action incorporates by reference the March 23, 2000 national emission standards for hazardous air pollutants for secondary aluminum production. This action authorizes Delaware to regulate secondary aluminum production facilities according to the finalized rules and will reduce air toxic emissions. Contact Mark Prettyman, 739-4791. Effective date – June 11, 2003

2001-19: Total Maximum Daily Loads (TMDLs) for the Murderkill River Watershed. This action establishes TMDLs for nitrogen, phosphorous and CBOD5 (5-day carbonaceous biochemical oxygen demand) for the Murderkill River Watershed in Delaware. A TMDL sets a limit on the amount of a pollutant that can be discharged into a waterbody and still protect water quality. TMDLs are composed of three components including waste load allocations for point source discharges, load allocations for nonpoint sources and a margin of safety to account for uncertainties and future growth. Contact John Schneider – 739-4590. **Effective date – Dec. 31, 2001**

Dec. 17, 2001 – Appealed to Environmental Appeals Board and Superior Court by Kent County.

98-08: Establish a Total Maximum Daily Load (TMDL) for the Inland Bays Sub-basin — This TMDL includes the tidal portions of Indian River, Indian River Bay and Rehoboth Bay. The TMDL process determines the pollutants causing water quality impairments, identifies maximum permissible loading capacities for the waterbody in question, and, for each relevant pollutant, assigns load allocations from point and non-point sources to each of different sources in the Sub-

basin. These limits are designed to achieve water quality criteria and promote healthy populations of fish and other aquatic life. Contact: John Schneider – 739-4590. Effective date – Dec. 1, 1998

April 27, 1999 - Environmental Appeals Board voted to stay appeals of Town of Rehoboth and Town of Georgetown pending a decision by Superior Court.

98-07: Development of new regulations for the Delaware Coastal Zone Act —

These new regulations ensure that the environment of coastal Delaware is improved and also provide clarity and better guidance to the regulated public and concerned citizens. This action affects present and future manufacturing, industrial and offshore bulk product transfer facilities. Contact: Dennis Brown – 739-4403. Effective date – May 11, 1999.

June 6, 1999 - Appealed to Superior Court.

97-11: Implementation of September 27, 1994 MOU among Ozone Transport Commission states on development of a regional strategy for control of stationary source Nitrogen Oxide (NOx) emissions. This regulation reduces NOx emissions from fossil fuel fired boilers or indirect heat exchangers with a maximum rated heat input capacity of 250 MMBTU/hr, or more; and all electric generating facilities with a rated output of 15 MW, or more. Contact: Ron Amirikan – 323-4552. **Effective date - April 1, 1999.**

April 16, 1999 - Appealed to Environmental Appeals Board by Motiva Enterprises and Delmarva Power and Light Company; **April 20, 1999 -** Motiva and Delmarva Power filed a civil action for a review of the Order in Superior Court for New Castle County.

Regulatory Actions Underway:

2003-24: Development of a new regulation that will be added to the Regulations Governing Solid Waste. This action would institute a ban on the disposal of yard waste in Delaware landfills, and is a critical part of a larger waste management strategy directed toward environmentally and economically efficient waste management. The waste ban is designed to: conserve capacity at existing landfills; minimize the need to construct new or expand existing landfills; signal the composting and mulching industry that these materials are available for processing and marketing; return this valuable material to the market place as opposed to landfilling it; and reduce the emission of greenhouse gases. Contact Rick Perkins, 739-3689

2003-23: Amend Tidal Finfish Regulations, Striped Bass Possession Size Limit; Exceptions.

This action would change the recreational daily size and creel limits and seasons for striped bass; and change the minimum commercial size limit for striped bass taken from all tidal waters of the state other than the Delaware River and Bay and its tributaries to 28 inches total length. During the commercial season of March 1-April 30, the minimum commercial size limit would remain 20 inches for the waters of Delaware River, Delaware Bay and their tributaries, but would revert to 28 inches total length minimum for the remainder of the year. Contact Roy Miller 739-3441

Public hearing – Jan. 29, 2004

2003-22: Amendment to Delaware's Phase II Attainment Demonstration State Implementation Plan (SIP) for attaining the 1-hour National Ambient Air Quality Standard for ground-level ozone in Kent and New Castle counties in 2005. This action would change the mid-course review due date to Dec. 31, 2004 and will allow inclusion of the NOx Transport SIP Call implementation (a significant part of the overall attainment strategy) in the analysis and put Delaware on the same timeline with other states in the region to enable Delaware to work cooperatively and conduct the mid-course review as a regional effort. Contact Frank Gao, 323-4542

Public hearing – Jan. 28, 2004, 6 p.m., Priscilla Building Conference Room, 156 S. State St., Dover, Del.

2003-21: Amendment to the Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for the Murderkill River Watershed. This action would revise the cap and is necessary in light of recently collected data. It would amend the original regulation adopted in December 2001 and would apply to the entire watershed including Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. Contact John Schneider, 739-4590

2003-20: Adoption of Total Maximum Daily Loads (TMDLs) for nutrients and oxygen demanding materials for Little Assawoman Bay, Buntings Branch and the tributaries and ponds of the Indian River, Indian River Bay and Rehoboth Bay. This regulation would establish a cap for the amount of nutrients and oxygen demanding materials that can enter these waters and is necessary to improve water quality and help maintain fishable waterways for Delaware citizens and visitors. The projected date for adoption is May 2004, five months past the deadline in the consent decree, due to unforeseen circumstances and technical issues regarding development of a new state-of-the-art water quality modeling system for the entire Inland Bays watershed. Contact John Schneider, 739-4590

2003-19: Adoption of a Delaware Coastal Management Program Comprehensive Update and Routine Program Implementation. This action would update all coastal management program policies to incorporate changes in state statutes, department regulations and executive orders since the last program's September 1998 update. Contact Sarah Cooksey or Bonnie Willis, 739-3451

2003-18: Adoption of a new "Regulation, 45, Anti-Idling Regulation" of the state's Regulations Governing the Control of Air Pollution. This action would regulate the idling time for operation of heavy-duty vehicles in Delaware having a gross vehicle weight rating of over 8,500 pounds. The regulation will continue state efforts to reduce emissions of NOx (nitrogen oxides), particulates and other tailpipe pollutants from vehicles operating in the state. Contact Philip Wheeler, 739-4791

2003-17: Amendments to the Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal (Septic) Systems. This action would update the regulations to include statutory changes that authorize DNREC to establish a license for persons who inspect septic systems and other on-site wastewater treatment systems. It also sets an annual license fee for septic system designers, installers, site evaluators, liquid waste haulers, inspectors and percolation tests, similar to other license fees charged by DNREC. Contact John Hayes, 739-4761

Public workshops:

Dec. 8, 6-9 p.m., Room A116, Delaware Technical and Community College Stanton Campus, Christiana, Del.

Jan. 13, 2004, 6-9 p.m., Theatre, Delaware Technical and Community College Owens Campus, Georgetown, Del.

Feb. 2, 2004, DNREC auditorium, Richardson and Robbins Building, 89 Kings Highway, Dover, Del.

2003-16: Development of a State Implementation Plan (SIP) revision to include a case-by-case alternate volatile organic compound reasonably available control technology determination.

This action would address the FP International, Newark, Del. facility's expandable polystyrene packing material manufacturing process. Contact Frank Gao, 323-4542

2003-15: Amendments to Delaware Regulations Governing Solid Waste. These proposed amendments pertain to sanitary landfill daily cover performance standards; prohibition of certain wastes in industrial landfills; prohibition of non-permitted sub-contractors by permitted solid waste transporters; correct a reference in the requirements for resource recovery facilities; amend the definition of infectious waste generator; and clarify who is required to obtain an infectious waste generator number. Contact Karen J'Anthony or Donald Short, 739-3689

2003-14: Amendments to Delaware Regulations Governing Hazardous Waste. This action will adopt amendments previously promulgated by EPA to maintain authorization for administering Delaware's own hazardous waste management program. Also proposed are miscellaneous changes to correct existing errors in the hazardous waste regulations, add clarification or enhance the current hazardous waste regulations program. Contact Karen J'Anthony or Donald Short, 739-3689

2003-12: Modification of existing regulations for the Green Energy Fund (formerly the Environmental Incentive Fund). Senate Bill 93 moved the State Energy Office to DNREC and stated that the office would establish standards, procedures and regulations governing administration of the Green Energy Fund, formerly administered by the Delaware Economic Development Office. This action would modify DEDO's existing regulations to reflect movement of the Energy Office and the program, and amend the regulations for consistency with provisions in Senate Bill 93 and amendments in Senate Bill 145. Contact Charlie Smisson Jr., 739-5644

2003-11: Amendment to Regulation No. 30 (Title V State Operating Permit Program) of the Regulations Governing the Control of Air Pollution. This action would change the definition of "Major Source" by removing the phrase, "but only with respect to those air pollutants that have been regulated for that category." This will require all fugitive emissions to be included in major source determinations for sources subject to federal New Source Performance Standards or the National Emissions Standards for Hazardous Air Pollutants. Contact Deanna Morozowich, 739-4791

2003-10: Development of a new Distributed Generation Regulation covering on-site electric generators of small to medium capacity. In general, emissions from small and medium size on-site electric generators are currently uncontrolled in Delaware. Most of these units run on fossil fuels such as diesel and contribute to the secondary formation of ground-level ozone and fine

particulate matter. Some are used to help utilities meet peak demand periods that frequently correspond with summer ozone action health alert days. This means that emissions from these units are frequently at their highest when the health threat from ozone is at its worst. Use of these units is growing and the Department is initiating this action to specifically control this category of emitters. Contact Al Deramo, 739-4791

2003-09: Amendment to Regulations Governing the Control of Air Pollution: new section – Requirements for Minor Source Pre-Construction Review (Minor NSR). This action would ensure that best available emission controls are installed at the time that smaller, but very significant, sources are constructed and modified to help manage Delaware's air resources. Contact Gene Pettingill, 323-4542

2003-08: Revisions and amendments to Shellfish Regulations S-51 through S-61 and new regulations governing harvesting and use of horseshoe crabs. This action would conserve horseshoe crab resources by: revising reporting requirements for horseshoe crab collecting, changing the horseshoe crab permit renewal date and procedure, eliminating the possession limit of six horseshoe crabs per day for those without a valid horseshoe crab commercial collecting permit, establishing a period of time when commercial harvesting would be illegal, establishing harvest quotas including consideration of a harvest moratorium, requiring the use of bait saving devices in conch pots, restricting how many horseshoe crabs may be used in pots as bait and setting a quota on the amount of horseshoe crabs that dredgers may harvest prior to May 1 in any given year. Contact Roy Miller, 739-3441

2003-07: Amendments to the Regulations Governing Beach Protection and the Use of Beaches adopted in 1983. This action would increase the effectiveness of the Coastal Construction Program and improve its protection of the beach and dune system. The amendments would reduce ambiguity, close possible loopholes and limit the amount and type of construction permitted seaward of the Building Line. Redrawing the building Line, incorporating changes to the Beach Preservation Act and adding new construction standards for waterfront buildings will result in less damage to structures and improvements to the natural dune and beach resource. Contact Maria Sadler, 739-4111

2003-05: Amendments to Shellfish Regulations S-51 and S-55 and enactment of new shellfish regulations. This action would require the use of bait saving devices in conch pots using horseshoe crab as bait; prohibit the harvest or landing of horseshoe crabs in Delaware between May 1 and June 7 of any year and cap the annual harvest and/or landings of horseshoe crabs in Delaware to 150,000. Contact Roy Miller, 739-3441

2003-03: Re-issuance of Regulations Governing Storm Water Discharges Associated with Industrial Activities. These regulations are required by law to be reissued once every five years. The current regulations expire Sept. 15, 2003. The reissued regulations will expand the existing regulations to include additional requirements for discharges of storm water associated with industrial activities. Contact Amber Moore, 739-5731

2003-02: Amendment to Subpart A, Regulation 38, Emission Standards for Hazardous Air Pollutants for Source Categories. These general provisions establish applicability, definitions, compliance, notification, performance testing, monitoring, record keeping and reporting requirements common to the emission standards for hazardous air pollutants promulgated under Regulation 38. This action affects any owner or operator of a stationary source that is or will be subject to any standard, limitation or prohibition established by Regulation 38 and ensures consistency of Subpart A with federal changes expected in April 2003. Contact James Snead, 323-4542

2002-26: Amendment to Regulations Governing the Control of Air Pollution, Regulation 2038, Reporting of a Discharge of a Pollutant or Air Contaminant. This amendment would change the reportable quantity for the flammable substance hydrogen, clarify flammable reportable quantities and correct several technical mistakes in the list of substances. Contact Jay Brabson, 323-4542

2002-25: Amendment to tidal finfish regulations regarding weakfish size and possession limits. The approved plan adopted by the Atlantic States Marine Fisheries Commission includes 7 weakfish per day at 12 inches minimum, 8 at 13 inches, 9 at 14 inches or 10 fish at any size equal to or greater than 15 inches. The amendment would also adjust the beginning and ending dates to adjust the days for the new calendar year. Contact Roy Miller, 739-3441

2002-21: Amendment to the Delaware State Parks rules and regulations needed to reflect changes in park resources and changes from the Delaware Code, including the Wilmington State Parks, Holts Landing Fishing Pier, protection of exhibits, established bicycle trails and facility rentals/special events. Contact Wayne Kline, 739-4405

2002-16: Development of new regulations for aboveground storage tanks, including requirements for leak detection, spill containment, construction, dismantling, operation, maintenance and cleanup of any leaks pursuant to the Jeffery Davis Aboveground Storage Tank Act signed into law by Governor Minner July 8, 2002. Contact Kathleen Stiller Banning, 395-2522

2002-13: Amendment to Tidal Finfish Regulations. This action pertains to recreational and commercial creel limits and season for tautog. The Atlantic States Marine Fisheries Commission's amendment of the Fishery Management Plan for tautog requires all east coast states to reduce fishing mortality by 48 percent by changing creel limits or imposing seasonal closures or a combination of both by April 1, 2003. Contact Jeff Tinsman, 739-4782

2002-08: Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Murderkill River and its tributaries. The PCS will cover activities in the entire watershed, including land areas draining into Browns Branch, Double Run, tidal and freshwater portions of the Murderkill River and several ponds and lakes. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-07: **Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for the Nanticoke River, Broad Creek and their tributaries.** The PCS will cover activities in the entire watershed. This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2002-06: **Pollution Prevention Control Strategy (PCS) for implementing nutrient load reductions set by the TMDL for Indian River, Indian River Bay, Rehoboth Bay and their tributaries.** This regulation will establish actions to achieve the maximum nutrient loading and is necessary to improve water quality and attain the fishable and swimmable goals of the federal Clean Water Act. Contact John Schneider, 739-4590

2001-22: **Development of a new regulation on the definition of chronic violator, the process for determining when a facility or regulated party is declared a chronic violator and the terms and conditions for lifting the designation.** Development and implementation of this regulation was mandated by Senate Substitute No. 1 for Senate Bill 33, An Act to Amend Title 7 and Title 29 of Delaware Code with respect to notification of environmental releases, facility performance, and establishment of the Community Involvement Advisory Council. Marjorie Crofts, 739-4764

2001-21: **Amendments to Sediment and Stormwater Regulations.** This action would allow a greater degree of flexibility for types of practices that could be considered for approval and would result in more low-impact stormwater practices such as bio-retention, bio-swales and buffers being used to meet water quality requirements. Contact Frank Piorko – 739-6724

2001-14: **Amendment to Regulation 24, Control of Volatile Organic Compounds, Section 26 (Stage I Vapor Recovery) and Section 36 (Stage II Vapor Recovery) of the Delaware's Regulations Governing the Control of Air Pollution.** This action is proposed to ensure that the Vapor Recovery Systems currently installed within the state maintain the required 95 percent control efficiency. Contact Deanna L. Morozowich, 739-4791

2001-04: **Amendments to Regulations Governing the Use of Subaqueous Lands.** This amendment updates the regulations to include the statutory changes made by the 140th General Assembly. The amendments deleted definition of the term, “navigable water,” increased the subaqueous lands lease term from 10 to 20 years, and granted exemptions for certain types of activities in subaqueous lands. Contact William Moyer, 739-4691.

2000-23: **Amendments to Regulation 24, Control of Volatile Organic Compound Emissions, by adding a new section to control the emissions of VOCs from lightering operations, of the Regulations Governing the Control of Air Pollution.** Lightering is the transfer of cargo (usually crude oil) from ocean going vessels to service barges to allow the vessels to proceed upriver. During the cargo transfer, uncontrolled VOCs are emitted. This action is being developed to obtain additional VOC emission reductions for meeting Delaware's 1-hour ozone attainment. Contact James Snead – 323-4542

2000-11: **Development of the 1999 Periodic Emission Inventory.** States with non-attainment areas for ground-level ozone are required under the Clean Air Act Amendments of 1990 to develop comprehensive periodic emission inventories of ozone precursor pollutants (volatile organic compounds, nitrogen oxides, and carbon monoxide) once every three years and incorporate them into the State Implementation Plan. This is the third of these inventories covering all three Delaware counties for the 1999 calendar year and ozone season. Contact Raymond Malenfant, 739-4791

2000-10: **Amendments to Delaware's 2002 Rate-of-Progress Plan toward attainment of the 1-hour National Ambient Air Quality Standard (NAAQS) for ground-level ozone in Kent and New Castle counties.** Under the Clean Air Act Amendments of 1990, Delaware is required to submit to the U.S. EPA a State Implementation Plan every three years after 1996 to demonstrate how to achieve adequate rate-of-progress in reducing emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx), major precursors to form ground-level ozone. This action amends the 2002 plan submitted in February 2000. Contact Frank Gao, 739-3106

2000-05: **Update of 1990 Base Year Inventory and 1993 Periodic Emission Inventory Revisions.** The Clean Air Act Amendments of 1990 require states with non-attainment areas for ground-level ozone to develop the 1990 base year inventory and comprehensive periodic emission inventories of ozone precursor pollutants once every three years after 1990 and to incorporate them into the State Implementation Plan. This is a first update to improve the 1990 Base Year Inventory and 1993 Periodic Emission Inventory. Contact Bhavesh V. Amin, 739-4791

2000-03: **Amendments to the Delaware Regulations Governing Hazardous Substance Cleanup.** Amendments include adding mirex and gas additives to the definition of hazardous substance as well as clarify the petroleum issue; incorporating by reference the HSCA Guidance standards; and amend the provision concerning interference and failure of remedy.

99-12: **Triennial Review of the State of Delaware Surface Water Quality Standards (as amended Feb. 26, 1993).** This review will meet requirements of the federal Clean Water Act, which requires all states to review their surface water quality standards every three years and adopt revised standards to comply with the Act. Contact Dave Wolanski - 739-4590.

98-13: **Adopt a new regulation (Regulation No. 20, Section 30) of the State of Delaware Regulations Governing the Control of Air Pollution.** This regulation will require any small industrial-commercial-institutional steam generating unit (i.e., any unit that combusts any fuel and that produces steam or heats water or any other heat transfer media) to meet specified emission limits for sulfur dioxide and particulate matter. Contact: Ron Amirikian – 323-4542

97-19: **Contingency Regulations for Ozone Attainment** – The Clean Air Act requires states with non-attainment areas for ground-level ozone to implement specific control measures if an area fails to make reasonable further progress goals or fails to attain the national ambient air quality standard by the attainment date. This contingency, in the form of a regulation, may be either a point source cap and reduce program or a higher-level enhanced motor vehicle inspection and maintenance (I-M)

program, or perhaps some other action or combination of actions. This regulation will ensure that 1999 and later ground level ozone progress goals for New Castle and Kent counties are achieved, and will be implemented in New Castle and Kent Counties if the specified emissions reductions do not occur in 1999. Contact: Al Deramo – 739-4791

DON'T FORGET TO RECYCLE

Most recycling centers in Delaware are located within a 5-mile radius of most households so that residents can easily drop off recyclables. For the center nearest you, call the Delaware Solid Waste Authority's Citizens Response Line, 1-800-404-7080.

Items accepted through RECYCLE DELAWARE, a voluntary program:

Paper – newspapers, magazines, phone books, newspaper inserts and paperback books.

Plastic – narrow-neck plastic bottles only (milk jugs, soda bottles, laundry detergent, salad dressing, cooking oil, shampoo, cleaning bottles). Rinse lightly, remove lids, and crush. Labels and rings can stay on.

Cans – aluminum, steel, and empty aerosol cans (drink/food cans, pet food, hair/bug spray). Rinse lightly. Crush if possible. Labels can stay on. Remove plastic spray knob from aerosols.

Glass – food/beverage containers, jars. Rinse lightly. Remove lids. Label and ring can stay on.

Cardboard – (specified locations, only, call 1-800-404-7080 for locations), corrugated cardboard only. Fold to fit in 60-inch by 5-inch opening.

Motor oil – specified locations only, call 1-800-404-7080 for locations) used motor oil, hydraulic or diesel oil.

Oil filters – (same locations as motor oil) used car and truck oil filters.

Batteries – small household batteries (A, C, D) and button type (watch, hearing aid, camera).

Hunting Season

10 Commandments of Hunter Safety

1. Treat every gun with the respect due a loaded gun.
2. Watch that muzzle! Control the direction of the muzzle even if you should stumble.
3. Be sure of your target and beyond before you pull the trigger; know identifying features of the game you hunt.
4. Be sure that the barrel and action are clear of obstructions and that you have only ammunition of the proper size for the gun you are carrying.
5. Unload guns when not in use. Take down or have actions open; guns should be carried in cases to the shooting area.
6. Never point a gun at anything you do not want to shoot; avoid all horseplay with a firearm.
7. Never climb a fence or tree or jump a ditch with a loaded gun; never pull a gun toward you by the muzzle.
8. Never shoot a bullet at a flat, hard surface of water; at target practice be sure your backstop is adequate.
9. Store guns and ammunition separately beyond the reach of children and careless adults.
10. Avoid alcoholic beverages and other mood altering drugs before and during shooting.

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